

U.S.S.N. 10/057,081

2

FGT 1622 PA

**REMARKS**

This Response is filed in Response to the Examiner's request for an Interview Summary Pursuant to MPEP 713.04. This Summary was inadvertently left off the Applicant's Preliminary Amendment filed November 26, 2003.

In the Advisory Action mailed October 16, 2003, Claims 8-21, 23, 25-31, 33 and 35-55 stood rejected under 35 U.S.C. 103(a) as being unpatentable over Garg et al. (U.S. Patent No. 4,902,535) in view of Tate (Japanese Patent No. 61035868) and further in view of Malaczynski et al. (U.S. Patent No. 5,458,927) and further in view of Potter et al. (U.S. Patent No. 5,783,261). In addition, claims 24 and 32 stood rejected under 35 U.S.C. 103(a) as being unpatentable over Garg et al. (U.S. Patent No. 4,902,535) in view of Tate (Japanese Patent No. 61035868) and further in view of Malaczynski et al. (U.S. Patent No. 5,458,927) and further in view of Potter et al. (U.S. Patent No. 5,783,261) and further in view of Kohler (U.S. Patent No. 5,286,534) and further in view of Mahoney (U.S. Patent No. 6,082,962). Finally, claims 22 and 34 stood rejected under 35 U.S.C. 103(a) as being unpatentable over Garg et al. (U.S. Patent No. 4,902,535) in view of Tate (Japanese Patent No. 61035868) and further in view of Malaczynski et al. (U.S. Patent No. 5,458,927) and further in view of Potter et al. (U.S. Patent No. 5,783,261) and further in view of Naik (U.S. Patent No. 4,919,773).

On November 21, 2003, a Telephonic Interview was conducted between the Examiner and Steven W. Hays (Attorney of Record), Timothy J. Potter and Aaron Fiala (Inventors) on the above-entitled matter. In this Interview, claims 8, 14, 15 and 22 were discussed in conjunction with 2 pieces of prior art (the Tate and Garg references). In this discussion, Applicants reiterated their position that applying a wear resistant coating was not the equivalent of the nitriding treatment as taught in the Tate reference. Applicants also discussed that the Garg reference required a noble intermediate layer applied between the wear resistant coating and the substrate layer, and further that the

U.S.S.N. 10/057,081

3

FGT 1622 PA

substrate layer in Garg is not an aluminum substrate layer. Further, Applicants discussed with the Examiner "secondary considerations" for rebutting a presumption of obviousness under MPEP 2143.

While no agreement was reached resulting in a notice of allowance regarding these claims, Applicants did receive guidance as to how to proceed to hopefully gain allowance of some of the claims at issue.

Pursuant to this conversation, Applicants filed a Request for Continued Examination and Preliminary Amendment on November 26, 2003, in which claims 14, 23, 31 and 35-55 were withdrawn and new claims 56-67 were added. Applicants also presented arguments stating that claims 8-13, 15-22, 24-30, 32, 33 and 56-67 were novel and unobvious over the cited prior art. Further, on December 15, 2003, Applicants also supplied a Rule 1.132 Affidavit by Aaron Fiala explaining how claims 8-13, 15-22, 24-34, and 56-67 of the above-identified patent application, is not obvious in view of the cited combination of prior art because the invention has achieved unexpectedly superior performance and vast commercial success, two of the many factors used to support a *prima facie* case of unobviousness. The arguments and Rule 1.132 Affidavit were essentially what was discussed with the Examiner in the November 21, 2003 Telephonic Interview.

As a result of these Responses, a Notice of Allowability was issued on January 13, 2004 with respect to claims 8-13, 15-22, 24-34, and 56-67.

The Commissioner is authorized to charge any additional claim fees, which may be required, or credit any overpayment, to Deposit Account No. 06-1510 or 06-1505 in the name of Ford Global Technologies, L.L.C.